

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 24

## **HOUSE BILL 2020**

AN ACT

AMENDING SECTION 8-291.09, ARIZONA REVISED STATUTES; RELATING TO JUVENILE  
COMPETENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-291.09, Arizona Revised Statutes, is amended to  
3 read:

4 8-291.09. Restoration order; commitment

5 A. The court may order a juvenile to participate in an outpatient or  
6 inpatient competency restoration program or may commit the juvenile for  
7 competency restoration to the state hospital or another facility. The  
8 juvenile court shall approve all competency restoration programs. In  
9 determining the type and location of the program, the court shall select the  
10 least restrictive alternative after making a finding of probable cause and  
11 considering the following:

12 1. If confinement is necessary for program participation.

13 2. If the juvenile meets the civil commitment criteria under title 36,  
14 chapter 5.

15 B. The court ~~shall~~ MAY appoint a guardian ad litem for a juvenile who  
16 is ordered to participate in an inpatient or outpatient program pursuant to  
17 this section. The guardian ad litem shall both:

18 1. Coordinate the continuity of care following restoration.

19 2. In cooperation with the restoration program, advise the court on  
20 matters relating to the appropriateness of the form and location of the  
21 program and, on request of the court, shall submit a written report. The  
22 court shall distribute copies of any report to the prosecutor and the defense  
23 attorney. The privilege against self-incrimination applies to all reports and  
24 communications with the juvenile.

25 C. An order entered pursuant to this section shall state if the  
26 juvenile is incompetent to refuse treatment pursuant to section 13-4511,  
27 including medication.

28 D. The state shall pay the costs of an inpatient competency  
29 restoration program at the state hospital until either:

30 1. Ten days, excluding Saturdays, Sundays or other legal holidays,  
31 after the hospital submits a report to the court stating that the juvenile  
32 has regained competence or that there is no substantial probability that the  
33 juvenile will regain competency within six months after the date of the  
34 original finding of incompetency.

35 2. The restoration order expires.

36 3. Seven days, excluding Saturdays, Sundays or other legal holidays,  
37 after the charges are dismissed.

38 E. The state shall pay the costs of a restoration program for a  
39 juvenile who is a ward of the court unless the court orders otherwise. If  
40 the court orders otherwise, the county shall pay the costs of the restoration  
41 program, or if the proceeding arises out of municipal court, the political  
42 subdivision shall pay the costs of the restoration program.

43 F. A restoration order that is issued pursuant to this section is  
44 valid for one hundred eighty days from the date of the initial finding of  
45 incompetency or until one of the following occurs, whichever occurs first:

- 1           1. The restoration program submits a report that the juvenile has
- 2 regained competency or that there is no substantial probability that the
- 3 juvenile will regain competency within the period of the order.
- 4           2. The charges are dismissed.
- 5           3. The juvenile reaches eighteen years of age.

APPROVED BY THE GOVERNOR APRIL 9, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2010.